

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Todd Curtis Myers,

Petitioner,

v.

ORDER

Civil No. 14-921 (MJD/JJK)

Tom Roy, Commissioner of
Corrections and Michelle Smith,
Warden, MCF-Stillwater,

Respondents.

The above-entitled matter comes before the Court on Petitioner's motion for rehearing or rehearing en banc from this Court's Order dated October 21, 2014. The Court will construe this motion as a request to file a motion for reconsideration.

The Local Rules for the District of Minnesota provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(j). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered

evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed the Petitioner's submissions and concludes that Petitioner has not demonstrated compelling circumstances warranting reconsideration. The motion will be denied.

IT IS HEREBY ORDERED that Petitioner's request to file a motion for reconsideration [Doc. No. 26] is DENIED.

Date: January 26, 2015

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court